

UNITED STATES DISTRICT COURT

for the  
District of Maryland

United States of America

v.

DONTA BETTS

Case No.

15 - 2092 JMC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 27, 2015 in the county of Baltimore City in the  
District of Maryland, the defendant(s) violated:

Code Section

18 U.S.C. sec. 231(a)(3)  
18 U.S.C. sec. 844(i)  
26 U.S.C. secs. 5861(f), 5845(a)

Offense Description

Civil Disorder  
Attempted Arson  
Unlawful Making of a Firearm, to wit, a Destructive Device

FILED  
LOGGED

ENTERED  
RECEIVED

OCT 06 2015

This criminal complaint is based on these facts:

See Attached Affidavit.

AT BALTIMORE  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

☒ Continued on the attached sheet.

Richard Campbell, Explosives Enforce. Ofc., ATF

Complainant's signature

Richard Campbell, Explosives Enforce. Ofc., ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

10/6/15

City and state:

Baltimore, Maryland

J. Mark Coulson, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT    15 - 2092 JMC**  
**FOR THE DISTRICT OF MARYLAND**

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT**

1.        I am Explosives Enforcement Officer Richard J. Campbell of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice. I have been employed as an Explosives Enforcement Officer with ATF since January 1999. I am currently assigned to the Baltimore Field Division in the Arson and Explosives Group and charged with investigating violations of federal arson, explosives and firearms laws. Previously, I was assigned to the Explosives Technology Branch (ETB), an ATF branch responsible for examining and classifying explosives and destructive devices under federal law. I have successfully completed nine weeks of the United States Treasury Department's Criminal Investigator's School at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received extensive training, both formal and on-the-job, in the provisions of federal firearms laws administered under Title 18 and Title 26 of the United States Code.

2.        As a law enforcement officer of the United States, I am empowered by law to conduct investigations of, and to make arrests for, federal felony offenses.

3.        This Affidavit is being submitted in support of a criminal complaint for Donta BETTS (age 19). Because this Affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. The information contained in this Affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other individuals.

4. I respectfully submit that there is probable cause to believe that BETTS has committed the crimes of Civil Disorder in violation of 18 U.S.C. § 231(a)(3) (“Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function” is guilty of a crime); Attempted Arson in violation of 18 U.S.C. § 844(i) (“Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce” is guilty of a crime); and Unlawful Making of a Firearm in violation of 26 U.S.C. § 5861(f) (“It shall be unlawful for any person . . . to make a firearm in violation of the provisions of this chapter”).<sup>1</sup>

5. The victims in this case include the Baltimore Police Department (hereinafter “BPD”) and the CVS Pharmacy located at 2509 Pennsylvania Avenue, Baltimore, Maryland 21217 (hereinafter “CVS”), near the intersection of Pennsylvania Avenue and North Avenue. BPD is a municipal police agency that provides law enforcement services to the City of Baltimore, Maryland. Activities of BPD include patrolling traffic on interstate and other roads,

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<sup>1</sup> The definition of “firearm” includes “a destructive device,” 26 U.S.C. § 5845(a), which includes “(1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; . . . and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.” *id.* § 5845(f). The definition of “make” includes “manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.” *Id.* § 5845(i).

checking whether stopped persons or vehicles are wanted by federal or out-of-state authorities, and investigating or arresting individuals who live or conduct business outside of Maryland. As such, I respectfully submit that activities of BPD affect interstate commerce. Based on my knowledge, training, and experience, I know that BPD operates police cruisers that police officers regularly use in such activities. CVS is a store within one of the largest pharmacy chains in the United States. CVS dispenses medications and sells merchandise. As such, I respectfully submit that CVS sells articles and commodities in commerce and is engaged in an activity affecting interstate commerce.

### **PROBABLE CAUSE**

6. On Monday, April 27, 2015, riots and widespread looting erupted in Baltimore City, Maryland, following the funeral of Freddie Gray, a Baltimore resident who died after being arrested by BPD on April 12, 2015. The unrest started at approximately 2:45 p.m. on Monday, April 27, near Mondawmin Mall in northwest Baltimore. By Tuesday, April 28, 2015, at approximately 5:00 p.m., approximately 73 fires of both commercial structures and vehicles had been set.

7. At approximately 4:49 p.m., a BPD City Watch video camera (#727) captured an individual later identified as Donta BETTS removing the gas cap from the BPD cruiser, then placing a piece of flammable material into the fuel filler pipe, and finally igniting the material.

8. At approximately 5:43 p.m., another BPD City Watch camera (#728) captured an assemblage of propane cylinders and charcoal briquettes on Pennsylvania Avenue approximately 10 to 12 feet from the curb directly outside the main entrance to CVS. An individual later identified as Donta BETTS is captured setting fire to a roll of toilet paper and placing the roll of toilet paper on top of the assemblage of propane cylinders and charcoal briquettes. BETTS can

be seen a few minutes later, at approximately 5:48 p.m., squirting lighter fluid onto the burning roll of toilet paper atop the assemblage of incendiary materials. Based on my knowledge, training, and experience, and the knowledge and experience of other trained arson investigators at ATF, the assemblage of propane cylinders and charcoal briquettes combined with the burning roll of toilet paper and lighter fluid constituted an incendiary device similar to an incendiary bomb. At approximately 5:49 p.m., BETTS is seen running away from the improvised incendiary device that he made as it burned in the street.

9. At approximately 5:58 p.m., the improvised incendiary device exploded approximately 40 feet in front of a BPD riot line that had assembled across Pennsylvania Avenue just north of the intersection and the front entrance of CVS. ATF investigators have determined that the explosion resulted in flying debris of large metal fragments from the propane cylinders and a large fireball with blast effects felt by nearby by-standers. No other person is captured on video adding materials to the incendiary device BETTS made.

10. Still photography taken by the media covering the riots on April 27, 2015, capture BETTS wearing dark sweatpants, a dark zip-up hoodie sweatshirt, and black/white Puma skate shoes. Several images captured in front of CVS are full body images and clearly show BETTS spraying lighter fluid on the burning assemblage of approximately seven or eight propane cylinders, bag of charcoal briquettes, and roll of toilet paper.

11. The video and still images listed and described below depict BETTS's activities between approximately 4:00 p.m. and 6:00 p.m. on Monday, April 27, 2015. These images show BETTS attempting to destroy a BPD cruiser by fire and combining and igniting an improvised incendiary device outside CVS during its looting. The timeline is based on my review of several video surveillance cameras and media coverage of the events on April 27, 2015 in the vicinities

of Mondawmin Mall and the intersection of Pennsylvania Avenue and North Avenue in Baltimore City. The following locations and times are approximate:

- (1) PHOTOS (16:01) show BETTS standing in front of a police line with a BPD officer pointing a Taser at him in the background.
- (2) PHOTOS (16:23) show BETTS in front of a police line on Reisterstown Road, throwing rocks at the police.
- (3) VIDEO (MTA-13615 #428) (16:41:43) shows BETTS walking west on the sidewalk on the north side of North Avenue, adjacent to the MTA vehicles.
- (4) VIDEO (MTA-13615 #428) (16:42:26) shows BETTS pushing on the passenger side of an MTA transport van, attempting to tip it over.
- (5) VIDEO (MTA-13616 #428) (16:44:58) shows BETTS rocking the side of MTA transport van, encouraging others to join him.
- (6) VIDEO (MTA-13616 #428) (16:45:15) shows BETTS moving up to an MTA sedan, beginning to rock the side of it, and encouraging others to join him.
- (7) VIDEO (City Watch #727) (16:47:02) shows BETTS near a vandalized BPD cruiser on North Avenue.
- (8) VIDEO (City Watch #727) (16:47:41) shows BETTS encouraging others to join him in rocking and attempting to flip the BPD cruiser.
- (9) VIDEO (City Watch #727) (16:48:50) shows BETTS removing the gas cap from the BPD cruiser.
- (10) VIDEO (City Watch #727) (16:49:45) shows BETTS placing a piece of paper or similar material into the fuel filler neck of the BPD cruiser and lighting the material on fire.
- (11) VIDEO (City Watch #727) (16:49:52) shows BETTS running away from the BPD cruiser after his attempt to light the gas tank on fire.
- (12) VIDEO (City Watch #728) (17:24:05) shows a line of plastic CVS shipping crates and debris of other items looted from inside CVS scattered across Pennsylvania Avenue approximately 50 to 60 yards in front of the

BPD riot line that was established across Pennsylvania Avenue just north of CVS.

- (13) VIDEO (City Watch #728) (17:24:50) shows several individuals squirting lighter fluid onto the line of debris across Pennsylvania Avenue and lighting this debris on fire.
- (14) VIDEO (CVS Internal Camera #3) (17:27:55) shows BETTS walking into CVS.
- (15) VIDEO (CVS Internal Camera #3) (17:28:00) shows BETTS walking up and down aisles inside CVS.
- (16) VIDEO (CVS Internal Camera #3) (17:28:30) shows BETTS walking into the pharmacy area of CVS.
- (17) VIDEO (CVS Internal Camera #3) (17:29:20) shows BETTS walking up one of the aisles in the middle of the store towards the front of the store.
- (18) VIDEO (CVS Internal Camera #3) (17:33:46) shows BETTS exiting CVS, carrying unknown items in his hand.
- (19) PHOTOS (17:34) show BETTS in and around the BPD cruiser, sitting in the driver's seat and standing outside the driver's door.
- (20) PHOTOS (17:35) show BETTS near the trunk area of the BPD cruiser.
- (21) VIDEO (City Watch #728) (17:44:13) shows that several of the CVS shipping crates along the line of debris in the street have melted but are continuing to burn.
- (22) VIDEO (City Watch #728) (17:43:59) shows an assemblage of propane cylinders and charcoal briquettes placed approximately 10 to 12 feet from the curb just outside the main entrance to CVS near the line of burning debris south of the BPD riot line.
- (23) VIDEO (City Watch #728) (17:45:41) shows BETTS conversing with a black male wearing a blue/grey jacket draped with a type of sash fashioned from police barricade ribbon.
- (24) VIDEO (City Watch #728) (17:46:06) shows BETTS lighting a roll of toilet paper and placing it onto the assemblage of propane cylinders and charcoal briquettes, and the toilet paper burning on top of the propane cylinders and charcoal briquettes.

- (25) PHOTOS (17:47-17:48) show Betts from several angles standing in front of the CVS squirting lighter fluid onto the burning assemblage of incendiary materials. This picture was captured and published by local media as follows:




- (26) VIDEO (City Watch #728) (17:48:06) shows BETTS squirting lighter fluid onto the burning assemblage of incendiary materials.
- (27) PHOTOS (17:48-17:49) show BETTS from several angles standing in front of the CVS squirting lighter fluid onto the burning assemblage of incendiary materials.
- (28) VIDEO (City Watch #728) (17:49:22) shows BETTS squirting lighter fluid onto the assemblage of incendiary materials again.
- (29) VIDEO (City Watch #728) (17:49:42) shows BETTS running away from the improvised incendiary device.
- (30) PHOTOS (17:49-17:50) show the improvised incendiary device on Pennsylvania Avenue continuing to burn as propane starts to vent from the pressure relief valves of the cylinders as they heat up.
- (31) PHOTOS (17:49-17:50) show the improvised incendiary device continuing to burn as propane starts to vent from the pressure relief valves of the cylinders as they heat up.



- (32) VIDEO (City Watch #728) (17:50:13) shows a substantial flame coming from the improvised incendiary device.
- (33) VIDEO (MTA #422-13610) (17:57:54) shows a large fireball explosion reflected in the front window of the senior center adjacent to CVS.
- (34) VIDEO (Montgomery County Police video) shows a large fireball explosion approximately 35 yards in front of the left side of the BPD riot line in the same area as the improvised incendiary device.
- (35) VIDEO (City Watch #728) (17:58:00) shows the propane cylinders starting to BLEVE (Boiling Liquid Evaporating Vapor Explosion) in the street.

12. I interviewed BETTS on July 7, 2015 after his arrest on unrelated charges. After waiving his Miranda rights, BETTS confessed to burning the improvised incendiary device on Pennsylvania Avenue and stated that it was his intent to prevent the police from coming any closer while the looting and rioting was ongoing. Specifically, BETTS stated that he intended to burn the incendiary materials so that the police “can’t . . . come closer to us . . . so people could finish . . . stealing whatever they was going to steal.” BETTS also attempted to explain his actions by stating “I figured I did all this because that was my period of time to go wild on the police.” BETTS further admitted to stealing from CVS, a liquor store in Baltimore City, and the shoe store at Mondawmin Mall in Baltimore City.

13. Based upon the foregoing, I submit that there is probable cause to issue a criminal complaint and arrest warrant for **DONTA BETTS**, charging him with violations of 18 U.S.C. § 231(a) (Civil Disorder), 18 U.S.C. § 844(i) (Attempted Arson), and 26 U.S.C. § 5861(f) (Unlawful Making of a Firearm).

  
Richard J. Campbell  
Explosives Enforcement Officer  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me this 6 day of October 2015 in Baltimore, MD.

  
J. Mark Coulson  
United States Magistrate Judge

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OCT 06 2015

AT BALTIMORE  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

BY

